

1 DALE L. ALLEN, JR., State Bar No. 145279
dallen@aghwlaw.com
2 KEVIN P. ALLEN, State Bar No. 252290
kallen@aghwlaw.com
3 WILLIAM A. ASPINWALL, State Bar No. 308919
waspinwall@aghwlaw.com
4 ALLEN, GLAESNER, HAZELWOOD & WERTH, LLP
180 Montgomery Street, Suite 1200
5 San Francisco, CA 94104
Telephone: (415) 697-2000
6 Facsimile: (415) 813-2045

7 Attorneys for Defendants
CITY OF CLOVIS, MEREDITH ALEXANDER,
8 TIMOTHY DRONEK, and JACOB MULHERN

9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO COURTHOUSE

13 DALLAS STOECKEL,

14 Plaintiff,

15 v.

16 CITY OF CLOVIS, et al.,

17 Defendants.

Case No. 1:22-cv-00070-ADA-BAM

**JOINT STIPULATION TO EXTEND CASE
DEADLINES; [PROPOSED]**

**ORDER DENYING STIPULATION
WITHOUT PREJUDICE**

19 **TO THE COURT:**

20 Plaintiff DALLAS STOECKEL (“Plaintiff”), defendants CITY OF CLOVIS,
21 MEREDITH ALEXANDER, TIMOTHY DRONEK, and JACOB MULHERN (“City
22 Defendants”), and defendant JOHNATHAN RODRIGUEZ, by and through their attorneys of
23 record, stipulate to extending all current case deadlines by approximately 60 days (see chart
24 below).

25 The parties make this request in good faith, and recognize that stipulations to continue
26 case deadlines must include good cause. (Dkt. No. 20, 5:14-24). The parties have strived with due
27 diligence to litigate this matter, and the good cause for their request is as follows:

28 All parties have served their Rule 26 Initial Disclosures, the City Defendants have served

1 written discovery (and received responses), and the City Defendants have also subpoenaed
 2 Plaintiff's incident-related medical records. The parties have also met-and-conferred about a new
 3 date for Plaintiff's deposition (it got rescheduled from January 26, 2023). The deposition will take
 4 place on February 14, 2023.

5 The parties are scheduled for private mediation on February 22, 2023. To maximize the
 6 opportunity for settlement, the parties wish to avoid unnecessary litigation costs between now and
 7 the mediation. To that end, they hoped to avoid discovery except for Plaintiff's deposition (*e.g.*,
 8 avoid defense party depositions and defense medical examination). Unfortunately, the current fact
 9 discovery cutoff makes this endeavor difficult, as such discovery closes on March 27, 2023. So in
 10 order to enhance the parties' settlement efforts, they respectfully stipulate to, and request,
 11 extension of all case deadlines by approximately 60 days, follows:

<u>Event</u>	<u>Current Deadline (Dkt. No.</u> <u>20)</u>	<u>New, Proposed</u> <u>Deadline</u>
Non-Expert Discovery Cutoff	March 27, 2023	May 30, 2023
Expert Disclosures	May 1, 2023	July 3, 2023
Supplemental Expert Disclosures	May 30, 2023	August 1, 2023
Expert Discovery Cutoff	July 31, 2023	October 2, 2023
Dispositive Motion Filing Deadline	September 7, 2023	November 9, 2023
Pretrial Conference	February 12, 2024	April 15, 2024
Trial	April 16, 2024	June 18, 2024

1 Granting this extension will provide the parties their best opportunity to resolve this
2 matter, as well as leave sufficient time to complete discovery in the event the matter does not
3 happen to resolve at mediation.

4 The parties appreciate the Court's consideration of this stipulated request. Please the
5 accompanying declaration of Kevin P. Allen in support of this stipulation.

6

7 Respectfully submitted,

8

9 Dated: February 8, 2023

LAW OFFICE OF KEVIN G. LITTLE

10 By /s/ Michelle Tostenrude
11 KEVIN G. LITTLE
12 MICHELLE L. TOSTENRUDE
13 Attorneys for Plaintiff
14 DALLAS STOECKEL

15 Dated: February 8, 2023

16 LOZANO SMITH

17 By /s/ Wiley R. Driskill
18 MARK K. KITABAYASHI
19 WILEY R. DRISKILL
20 Attorneys for Defendant
21 MADERA COUNTY SHERIFF'S
22 DEPUTY JOHNATHAN
23 RODRIGUEZ

24 Dated: February 8, 2023

25 ALLEN, GLAESSNER,
26 HAZELWOOD & WERTH, LLP

27 By: /s/ Kevin P. Allen
28 DALE L. ALLEN, JR.
29 KEVIN P. ALLEN
30 Attorneys for Defendants
31 CITY OF CLOVIS, MEREDITH
32 ALEXANDER, TIMOTHY DRONEK, and
33 JACOB MULHERN

1 **ORDER**

2 Generally, settlement discussions, in and of themselves, are not good cause to modify a
3 scheduling order. *See Gerawan Farming, Inc. v. Rehrig Pacific Co.*, 2013 WL 645741, at *5
4 (E.D. Cal. Feb. 21, 2013). The parties have not adequately explained why they are unable to
5 complete the remaining non-expert discovery, e.g., defense depositions and defense medical
6 examination, in the time allotted between the scheduled mediation on February 22, 2023, and the
7 non-expert discovery cutoff of March 23, 2023, if the matter does not resolve at mediation.
8 Accordingly, the parties' stipulation is DENIED without prejudice.

9
10 IT IS SO ORDERED.

11 Dated: February 10, 2023

12 /s/ *Barbara A. McAuliffe*
13 UNITED STATES MAGISTRATE JUDGE